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AUG 26 2005

Technology Center 2100

SHAKEEL MUSTAFA
24831 Hendon St.
Laguna Hills, CA 92653

In re Application of: MUSTAFA)	
Application No. 09/848,670)	DECISION ON PETITION TO
Filed: 4 May 2001)	WITHDRAW HOLDING OF
For: SYSTEM AND METHOD FOR)	ABANDONMENT UNDER 37 CFR
ENCRYPTING AND DECRYPTING)	\$1.181
INFORMATION THROUGH THE USE OF)	
RANDOM NUMBERS)	

This is a decision on the petition, filed 25 July 2005 requesting the Withdrawal of the Abandoned status of the above-identified application, which was deemed abandoned for failure to respond to the Office Action mailed 8 September 2004. A Notice of Abandonment was mailed 01 June 2005.

The petition is **GRANTED**.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

In support of the petition, applicant provides a statement that the Office action was not received. Applicant also provides a copy of a submission regarding Applicant's change of address that was faxed to the USPTO on 17 July 2004, and acknowledged with an auto-reply on the same date. The subsequent Office Action, mailed 8 September 2004, did not apply the change of address in the mailing of the correspondence to Applicant. Consequently, the Office Action was returned to the USPTO on 5 October 2004 as undeliverable.

Applicant's offering and the USPTO'S records, taken together, provide clear evidence that Applicant did not receive the 8 September 2004 Office Action.

Despite the fact that the petition does not specifically conform to the criteria called for supra, Applicant's proffered evidence with the USPTO's records, make a prima facie case establishing the non-receipt of the Office action. The petition is therefore **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, enter Applicant's Amendment dated 3 April 2005, so that the instant application is restored to pending status and the Amendment is properly placed in the Examiner's docket.

Any questions regarding this decision may be directed to the undersigned at 571-272-3595.

A handwritten signature in black ink, appearing to read 'Brian L. Johnson', written over a horizontal line.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

GO